



## TESTIMONY OF THE STATE ATTORNEY GENERAL TWENTY-FIFTH LEGISLATURE, 2009

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1414, H.D. 1, RELATING TO METAL.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

**DATE:** Thursday, April 2, 2009 **TIME:** 10:15 AM

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** WRITTEN TESTIMONY ONLY. For more information, contact Lance Goto, Deputy Attorney General, at 586-1160.

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Chair Taniguchi and Members of the Committee:

The Department of the Attorney General strongly supports section 1 of this bill, and takes no position as to section 2.

Section 1 of this bill removes the sunset provision of Act 197, Session Laws of Hawaii 2007, and continues the requirements for the purchase of copper by scrap dealers, along with the other provisions of Act 197, intended to address the problem of copper thefts, including the theft of copper offense.

Section 2 of this bill removes the sunset provision of Act 53, Session Laws of Hawaii 2008, which established the misdemeanor offense of theft of beer keg and imposed recordkeeping requirements on scrap metal dealers that purchase beer kegs.

Copper thefts have had a great impact on the residents of Hawaii. Copper thieves have dismantled street lights, caused power outages, and caused the closure of parks and other facilities. One attempted theft resulted in the death of an individual. Section 1 of this bill is critical to efforts being made to address the problem of copper theft.

Act 197 took a two-pronged approach to the problem by:

- (1) establishing theft of copper as a felony offense; and
- (2) imposing additional requirements on scrap dealers and those who sell copper to scrap dealers to deter the sale of stolen copper. A two-year sunset date, of July 1, 2009, was placed on the Act 197

amendments to allow for an assessment of the Act's effectiveness. During the short period of time that the amendments have been in place, they have had a positive impact and have greatly facilitated the investigation and prosecution of copper theft offenses. Maintaining the provisions of Act 197 will help authorities address the problem of copper theft and the numerous and costly problems that such thefts cause to our communities and the public.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
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**THE HONORABLE BRIAN TANIGUCHI, CHAIR**  
**SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS**  
**Twenty-fifth State Legislature**  
**Regular Session of 2009**  
**State of Hawai'i**

April 2, 2009

**RE: H.B. 1414, H.D. 1; RELATING TO METAL.**

Chair Taniguchi and members of the Senate Committee on Judiciary and Government Operations, the Department of the Prosecuting Attorney submits the following testimony in support of Section 1 of House Bill 1414, H.D. 1.

The purpose of Section 1 of this bill is to remove the July 1, 2009 sunset from Act 197 of 2007 and make the provisions of Act 197 of 2007 and its subsequent amendments permanent.

In 2007, the legislature passed Act 197 which created a class C offense for the theft of a pound or more of copper. In addition, Act 197 also established: 1) requirements for documenting the purchase of copper by scrap dealers; and 2) enhanced penalties for violations of the licensing and documentation requirements for scrap dealers. This law has proven extremely effective in aiding law enforcement in investigating and prosecuting copper theft cases.

Most recently, members of a major copper theft ring were indicted for copper theft. The ring is alleged to have stolen 72,000 pounds of copper wiring from the H-1 and H-2 freeways; the thefts caused millions of dollars in damages and posed safety concerns for motorists as parts of the freeways were left in the dark for months. We've also used the copper theft law in other instances including a case in which copper wiring was stolen several times from West Loch Golf Course by the same defendant.

We believe that in the short period of time this law has been in effect, that it has been tremendously useful in combating and deterring copper theft. For this reason, we respectfully request your favorable consideration of this bill and thank you for this opportunity to testify.

# Testimony before the Senate Committee on Judiciary and Government Operations

By Jim Beavers  
Manager, Safety, Security and Facilities  
Hawaiian Electric Company, Inc.

April 2, 2009  
10:15 a.m.  
House Bill 1414, HD 1  
Relating to Metal

Chair Taniguchi, Vice Chair Takamine, and Members of the Committee:

My name is Jim Beavers and I am testifying on behalf of the Hawaiian Electric Company and its subsidiaries, Hawaii Electric Light Company and Maui Electric Company.

We strongly **support** HB 1414, HD 1 that removes the sunset clause in Act 197 on those provisions enacted to deter the sale of stolen copper. Since the passage of these provisions, which made the theft of copper a new criminal offense and which placed stringent requirements on scrap dealers and sellers of copper, Hawaiian Electric Company has seen a reduction in the amount of copper theft incidents. The result has been reduced inconvenienced to our customers and a reduction of the risk of injury and/or death to those that attempt to steal copper from our facilities since they are energized at very high voltages. We have experienced incidents in the past where thieves have been seriously injured while attempting to steal copper from our facilities.

For all the reasons stated above, we strongly support this bill.



# THE LEGISLATIVE CENTER

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April 2, 2009

Testimony To: Senate Committee on Judiciary and Government Affairs  
Senator Brian Taniguchi, Chair

Presented By: Tim Lyons, Legislative Liaison  
Anheuser Busch Companies

Subject: H.B. 1414, HD 1 – RELATING TO METAL

Chair Taniguchi and Members of the Committee:

I am Tim Lyons, Legislative Liaison for Anheuser Busch Companies and we support this bill.

This bill renews the law as it is today which is scheduled to expire. The expiration date was originally keyed around the sunset clause in Act 197-07 however, because a separate section was created for the law, the sunset clause is not really needed.

Based on the above, we support this bill and hope that you can keep the crime of stealing a beer keg on the books.

We have no objection to other parts of this bill.

Thank you.